



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 3, 1980

COMMISSION
CORRESPONDENCE

The Honorable Harley O. Staggers, Chairman
Committee on Interstate and Foreign Affairs
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter responds to your request for the Nuclear Regulatory Commission's views regarding H.R. 6745, the "Radiation Control Act of 1979." The proposed bill would consolidate in the Environmental Protection Agency (EPA) the major Federal Government responsibility for evaluation and control of ionizing radiation exposure risks to the public. In general, the Commission does not believe that this bill would improve overall protection of the public or promote an effective Federal research program. Because of the wide variety of existing and potential future sources of radiation exposure, we doubt that any single agency can reasonably concentrate within itself the expertise, authority, and resources to ensure comprehensive and uniform protection of public health and safety.

We recognize the need addressed by H.R. 6745 for unifying insofar as practicable the Federal Government's approach to the control of ionizing radiation, but we believe this goal will be more readily achieved by coordination of existing authorities. An important step toward such coordination is the President's recent formation of the Radiation Policy Council and the Interagency Radiation Research Committee. We recommend that proposals like H.R. 6745 for major legislative changes in the Federal radiation protection program be held in abeyance until these organizations have been given adequate time to demonstrate their effectiveness.

With regard to some of the details of H.R. 6745, we note that Section 6, the transfer of functions provision, speaks only in general terms and lacks entirely the specificity needed to transfer unambiguously to EPA the radiation protection functions and authorities presently dispersed among other agencies. Because of the large number of Federal authorities and programs associated with radiation protection, this lack of clarity would almost certainly cause considerable confusion in implementing the bill. Moreover, the transfer of Federal ionizing radiation health effects research to EPA, as proposed in Section 3 of H.R. 6745, would run counter to recent executive and legislative actions, which aim at assigning more health effects research to the Department of Health and Human Resources. For example, the President has directed that the Interagency Radiation Research Committee, mentioned above, be established by the Secretary of Health and Human Services (formerly Health, Education, and Welfare). Similarly, it has already been provided by Title II of the Biomedical Research and Research Training Amendments of 1978, Public Law 95-622, that the Secretary of HEW should "establish a comprehensive program of research

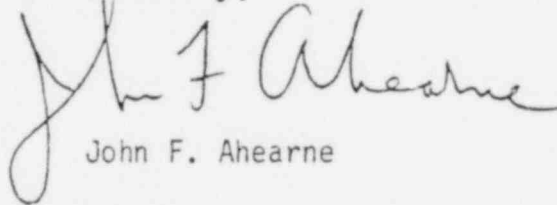
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into the biological effects of low-level ionizing radiation" and "conduct a comprehensive review of Federal programs of research on the biological effects of ionizing radiation " 92 Stat. 3435.

We note that Section 5(b)(1) of H.R. 6745 would have EPA "establish the most likely statistical relation between a given exposure dose of each form of ionizing radiation and the consequent harmful effects therefrom." If this section is interpreted as binding all Federal agencies to use of the particular risk-dose relationship established by EPA, it would represent a highly undesirable intrusion of administrative fiat on scientific judgment. Furthermore, since new data are continually being developed while changes in agency rules usually come slowly, a mandatory use of EPA's "most likely" relation could lead to persistent Government use of risk estimates several years behind current technical information.

In summary, for the reasons discussed above, the Nuclear Regulatory Commission does not support H.R. 6745. We appreciate this opportunity to comment on the bill.

Sincerely,

A handwritten signature in cursive script that reads "John F. Ahearne". The signature is written in dark ink and is positioned above the printed name.

John F. Ahearne